

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WENGUAN LEI,

Defendant.

CASE NO. CR20-0171-JCC-10

ORDER

This matter comes before the Court on Defendant's objection to the Clerk's notice of intent to forward his passport to Immigration and Customs Enforcement ("ICE") (Dkt. No. 467). Having thoroughly considered the briefing, the Court OVERRULES Defendant's objection.

Defendant, who is a U.S. green card holder, surrendered his Chinese passport to the Court as a condition of his pre-trial appearance bond. (Dkt. No. 168.) Following a guilty plea to Conspiracy to Manufacture and Distribute Marihuana, the Court sentenced Defendant to 30 months of incarceration. (*See* Dkt. Nos. 342, 402.) The Clerk of the Court recently notified Defendant of its intent to forward his passport to ICE. (Dkt. No. 451.) Defendant timely objects and moves for the return of his passport to defense counsel. (Dkt. No. 467.)

Defendant notes that he provided his passport to the Court to ensure his appearance, a condition which is no longer required. (*Id.* at 1–2.) He further notes the Court made a judicial recommendation against deportation as part of the sentencing decision. (*See* Dkt. No. 470 at 2

1 (referencing judgment).) But such recommendations are not binding on ICE. *See Lyons v.*
2 *Sessions*, 694 F. App'x 605 n.1 (9th Cir. 2017). And the Government informs the Court that ICE
3 intends to lodge a detainer with the Bureau of Prisons and institute removal proceedings. (Dkt.
4 No. 468 at 2.)

5 For these reasons, the Court OVERRULES Defendant's objection and DIRECTS the
6 Clerk to forward Defendant's passport to ICE.

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8 DATED this 3rd day of March 2023.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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